



February 26, 2003

HOUSE BILL No. 1196

DIGEST OF HB 1196 (Updated February 25, 2003 11:36 AM - DI 96)

Citations Affected: IC 9-13; IC 9-21; IC 34-30.

Synopsis: Lights on funeral motor vehicles. Revises the display of lights and indicia that may be displayed on a vehicle that is part of a funeral procession. Requires a person operating a vehicle in a funeral procession to exercise due caution. Establishes immunity for a funeral director, funeral home, and funeral escort and their employees and agents when a part of a funeral procession.

Effective: July 1, 2003.

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January 8, 2003, read first time and referred to Committee on Roads and Transportation.
February 25, 2003, amended, reported — Do Pass.

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HB 1196—LS 7228/DI 110+



February 26, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1196

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-69.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2003]: **Sec. 69.3. "Funeral escort" has the meaning set forth in**
- 4 **IC 9-21-13-0.3.**
- 5 SECTION 2. IC 9-13-2-69.4 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2003]: **Sec. 69.4. "Funeral escort vehicle" has the meaning set**
- 8 **forth in IC 9-21-13-0.4.**
- 9 SECTION 3. IC 9-13-2-69.5 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2003]: **Sec. 69.5. "Funeral lead vehicle" has the meaning set**
- 12 **forth in IC 9-21-13-0.5.**
- 13 SECTION 4. IC 9-13-2-69.6 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2003]: **Sec. 69.6. "Funeral procession" has the meaning set forth**
- 16 **in IC 9-21-13-0.6.**
- 17 SECTION 5. IC 9-21-13-0.3 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec 0.3. As used in this chapter, "funeral escort" means a person that provides escort services for funeral processions.**

SECTION 6. IC 9-21-13-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec 0.4. As used in this chapter, "funeral escort vehicle" means a motor vehicle that escorts a funeral procession.**

SECTION 7. IC 9-21-13-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec 0.5. As used in this chapter, "funeral lead vehicle" means a motor vehicle that leads and facilitates the movement of a funeral procession.**

SECTION 8. IC 9-21-13-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec 0.6. As used in this chapter, "funeral procession" means two (2) or more vehicles, including a funeral lead vehicle or a funeral escort vehicle, accompanying human remains.**

SECTION 9. IC 9-21-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A vehicle with lighted headlights in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is headed by a **funeral lead vehicle** or **funeral escort vehicle** displaying alternately flashing red and blue or **red** lights, except if either of the following conditions exist:

(1) When the right-of-way is required by an authorized emergency vehicle giving an audible signal.

(2) When the vehicles in procession are directed otherwise by a police officer.

(b) Before assuming the right-of-way, a person who drives a vehicle in the funeral procession must exercise due caution with regard to crossing traffic.

SECTION 10. IC 9-21-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. A person who drives a vehicle that is not a part of a funeral procession may not **join the procession or** form a procession and have headlights lighted for the purpose of securing the right-of-way granted by this chapter to funeral processions.

SECTION 11. IC 9-21-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The **funeral lead vehicle** and **funeral escort vehicles** in a funeral procession may be equipped with flashing amber lights that may be used only when the vehicles are used in a funeral procession.

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(b) Notwithstanding any other provisions in this article that govern emergency vehicles, the **funeral lead vehicle** and **funeral escort** vehicles in a funeral procession may be equipped with flashing red lights that may be used only when the vehicles are used in a funeral procession. The flashing red lights may only be used to gain the right-of-way at intersections and to protect a funeral procession while crossing an intersection.

SECTION 12. IC 9-21-13-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) A person operating a vehicle in a funeral procession:**

(1) **must exercise due caution while in a funeral procession; and**

(2) **must follow the preceding vehicle in the funeral procession as closely as is practical and safe.**

(b) **A vehicle that is part of a funeral procession must have its headlights and taillights illuminated and may display flashing amber lights.**

(c) **The operator of a vehicle immediately following the funeral lead vehicle and the last vehicle in the funeral procession shall illuminate the vehicle's hazard warning lights while in the funeral procession.**

SECTION 13. IC 9-21-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5. A vehicle that is a part of a funeral procession ~~shall~~ may use:**

(1) funeral pennants or flags; or

(2) windshield stickers;

to identify the vehicle as a part of the procession.

SECTION 14. IC 9-21-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 8. (a) A funeral director, funeral home, and funeral escort and their employees and agents are immune from liability for any death, personal injury, or property damage suffered by any person in a funeral procession if:**

(1) **the funeral procession was operating in compliance with this chapter; or**

(2) **the funeral procession would have been operating in compliance with this chapter except that an operator of a vehicle in the funeral procession was not exercising due care as required by this chapter.**

(b) **A funeral director, funeral home, and funeral escort and their employees and agents are immune from liability for any**



1 death, personal injury, or property damage that results from, is
 2 caused by, or arises out of any action or inaction of an operator of
 3 a vehicle in a funeral procession under the control of a funeral
 4 director, funeral home, or funeral escort or their employees or
 5 agents if:

6 (1) the funeral procession was operating in compliance with
 7 this chapter; or

8 (2) the funeral procession would have been operating in
 9 compliance with this chapter except that an operator of a
 10 vehicle in the funeral procession was not exercising due care
 11 as required by this chapter.

12 (c) This section does not apply if the death, personal injury, or
 13 property damage arose from the negligent act or omission of a
 14 vehicle operated by the funeral director, funeral home, or funeral
 15 escort, or their employees or agents. The operator of a vehicle in a
 16 funeral procession is not considered to be an agent of the funeral
 17 director, funeral home, or funeral escort unless the operator:

18 (1) is an employee of the funeral director, funeral home, or
 19 funeral escort and is acting in the course of employment; or

20 (2) was retained as an independent contractor of the funeral
 21 director, funeral home, or funeral escort and is performing a
 22 service.

23 (d) This section does not create a new cause of action or
 24 substantive legal rights or affect any immunities from civil
 25 liabilities or defenses available at common law.

26 SECTION 15. IC 34-30-2-28.5 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2003]: Sec. 28.5. IC 9-21-13-8 (Concerning
 29 actions against a funeral director, funeral home, or funeral escort
 30 or their employees or agents).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1196, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 23, delete "and purple".

Page 2, line 41, reset in roman "amber".

Page 2, line 41, delete "purple".

Page 3, line 12, after "procession;" insert "**and**".

Page 3, line 14, delete "safe; and" and insert "**safe.**".

Page 3, delete lines 15 through 16.

Page 3, line 18, delete "illuminated." and insert "**illuminated and may display flashing amber lights.**".

and when so amended that said bill do pass.

(Reference is to HB 1196 as introduced.)

RESKE, Chair

Committee Vote: yeas 9, nays 0.

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